

6. **2008SP-035U-09**  
1201 Demonbreun  
Map: 093-09 Parcels: Various  
Downtown Community Plan  
Council District 19 – Erica Gilmore  
Staff Reviewer: Brenda Bernards

A request to change from CF to SP-MU zoning for properties located at 1205, 1207, and 1211 Demonbreun Street, 201, 203, 205, and 207 12th Avenue South, and 1206, 1212, and 1214A Laurel Street, at the southwest corner of Demonbreun Street and 12th Avenue South (2.93 acres), to permit the development of a maximum 24-story mixed-use building, requested by Hastings Architecture Associates, applicant, for Demonbreun Gateway Partners, owner.

**Staff Recommendation: Approve with conditions**

#### **APPLICANT REQUEST - Preliminary SP**

A request to change from Core Frame (CF) to Specific Plan - Mixed Use (SP-MU) zoning for properties located at 1205, 1207, and 1211 Demonbreun Street, 201, 203, 205, and 207 12th Avenue South, and 1206, 1212, and 1214A Laurel Street, at the southwest corner of Demonbreun Street and 12th Avenue South (2.93 acres), to permit the development of a maximum 24-story mixed-use building.

#### **Existing Zoning**

CF District - Core Frame is intended for a wide range of parking and commercial service support uses for the central business District.

#### **Proposed Zoning**

SP-MU District - Specific Plan-Mixed Use is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes residential uses in addition to office and/or commercial uses.

#### **DOWNTOWN COMMUNITY PLAN**

*Gulch DNDP* - Mixed Use in Downtown Neighborhood

**Mixed Use (MxU)** MxU is intended for buildings that are mixed horizontally and vertically. The latter is preferable in creating a more pedestrian-oriented streetscape. This category allows residential as well as commercial uses. Vertically mixed-use buildings are encouraged to have shopping activities at street level with office and/or residential above.

**Downtown Neighborhood (DN)** Downtown Neighborhood policy applies to those parts of Downtown where intense, mixed use development that includes a significant residential component is desired. The development should be created at a scale less intense than the Downtown Core. Downtown Neighborhood policy is only used in the *Downtown Community Plan: 2007 Update* in many of the seventeen Downtown neighborhoods. Each neighborhood has its own unique character and intended development pattern, which are further defined in each neighborhood's Building Regulating Plan, found in the *Downtown Community Plan: 2007 Update*.

**Consistent with Policy?** Yes, the proposed mixed-use buildings are consistent with the land use policy.

**PLAN DETAILS** The proposed 1201 Demonbreun SP includes a mixed-use development in one building with a base of a minimum of three stories and up to two, 24 story towers. The project is located on a full block between Demonbreun Street, 12th Avenue South, Laurel Street and the I-40 on-ramp.

**Uses** The SP includes a mix of retail, residential and office uses. In order to ensure a mix of uses occurs, the applicant is proposing at least 2% of the building will be retail. The retail will primarily be on the ground floor to provide active uses. While the applicant's intent develop one tower develop with office and the second with residential/hotel, both towers could be developed as either office or residential/hotel.

This proposal is within the Metro Development and Housing Agency (MDHA) Arts Center Redevelopment District. MDHA has reviewed and approved the SP Plan. Modifications to the SP Plan, particularly design related, may require review and approval from MDHA.

The SP bulk standards provide for a minimum of 3 stories and a maximum of 24 stories within an identified building envelope. The SP includes setback requirements, identifies the appropriate frontage type such as forecourt, stoop, arcade for the Demonbreun Street, 12th Avenue and Laurel Street frontages. A list of appropriate materials is provided. As this is within a redevelopment district, MDHA will need to approve all building materials.

Signage will be required to meet the CF standards of the Metro Zoning Code and must be consistent with the MDHA Redevelopment District guidelines. This will require review and approval by MDHA prior to the issuance of any sign permits.

**Pedestrian Environment** In order to ensure the design meets the policy intent to create a pedestrian oriented streetscape, a build-to line has been specified with a minimum frontage. The building will be lined with active uses and there are minimum requirements for ground level exterior windows. New sidewalks are proposed along Demonbreun Street and 12th Avenue South.

Landscaping, street furnishings and related details will be included in the final site plan and shall meet the requirements of the Downtown Streetscape Guidelines and any requirements of the MDHA Art Center Redevelopment District.

**Parking** Parking will meet the UZO standards of the Zoning Code and will be accommodated within a parking structure. The structure will be lined with active uses on Demonbreun Street and 12th Avenue South. While, three access points are proposed, the Public Works Department has recommended that the access on Demonbreun Street be limited to an entrance only.

**Consolidation of Lots** The site is made up of ten parcels which will need to be consolidated into one lot in order for this project to be built. There is an 8 inch sewer line and easement that traverses the property. Due to the proposed building location, the line and easement must be abandoned. The applicant has initiated this process and the was approved on third reading at the December 3, 2008, Council meeting.

**STORMWATER RECOMMENDATIONS** Preliminary SP Approved with conditions:

- Increased flow (to each basin) is not permissible.
- If site discharges to the combined sewer, then 50% TSS is required. Otherwise, 80% TSS is required.

These issues can be addressed during construction drawing phase.

#### **WATER SERVICES RECOMMENDATION**

- Private water and private sewer extensions will be required for the proposed development
- Abandonment of an existing 8 inch public sewer line traversing the site will be required due to the proposed building footprint
- Pressure regulating devices will be required when pressure exceeds 100 psi
- The engineer must contact the Fire Marshal's Office regarding adequate fire protection

#### **FIRE MARSHAL RECOMMENDATION** Conditional Approval

- Fire Hydrant flow data shall be printed on the plans for the fire hydrant(s) used to protect new
- construction for this project.
- Fire Hydrants shall be in-service before any combustible material is brought on site.
- Show all fire hydrant(s) flow data or the proposed fire hydrant(s) flow data on plans or the fire hydrant with the highest elevation and the most remote in the development,
- New or existing fire hydrant flow shall be adequate to protect the new construction as per NFPA
- More than three stories above grade, Class I standpipe system shall be installed.
- More than one story below grade, Class I standpipe system shall be installed.

### NES RECOMMENDATION

- 1) Overhead utility lines exist on three sides of the property, excluding only the Interstate 40 side. Ample clearance (8' for NES final clearance, 10' OSHA clearance during construction) must be provided from these lines during construction and after construction is complete for final clearance from the structure. This includes scaffolding, awnings, balconies and other protrusions that may extend from the face of the bldg.
- 2) If proper clearance cannot be met, these lines must be rebuilt and/or relocated at no cost to NES.
- 3) Developer shall provide switchgear and transformer locations that may include space inside the structure in the form of a transformer vault. Proposed locations should be provided by the developer for review and approval by NES.
- 4) Developer's desired location for service should be provided to NES for review and approval.
- 5) Any underground infrastructure that must be installed will be done so by the developer to meet NES specifications. This may include manholes, duct runs, transformer and/or switchgear vaults.
- 6) Some talks have been had with the developer regarding removal of lines along 12<sup>th</sup> Ave. S. and Demonbreun St. These talks are still ongoing at this time.
- 7) NES can meet with developer/engineer upon request to determine electrical service options
- 8) NES needs any drawings that will cover road improvements to Metro r-o-w that Public Works will require.
- 9) NES follows the National Fire Protection Association rules; Refer to NFPA 70 article 450-27; and NESC Section 15 - 152.A.2 for complete rules (see NES Construction Guidelines under "Builders and Contractors" tab @ [www.nespower.com](http://www.nespower.com)).

**PUBLIC WORKS RECOMMENDATION** There is not enough information provided within the submitted SP Development Standards packet to provide detailed engineering comments. All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' review and approval of the final design plans.

- All existing roadway widths shall not be reduced.
- Identify the ADA path of travel. Obstructions shall not be located within the travel area, or any encroachments into the pedestrian easement.
- Along property frontage, modify the curb line on west side of 12th Avenue (north of Laurel Street) to align with existing curb line south of Laurel Street.
- Provide adequate truck turning radius at 12th/Demonbreun and 12th/Laurel and driveways.
- Identify loading zones and valet/drop off or transit loading areas.
- Align access points with existing driveways if feasible.
- All three of the proposed driveways should be located in the approximate locations shown on the plans.
- As a minimum, the proposed driveway onto Laurel Street shall be designed with one entering and one exiting lane.
- As a minimum, the proposed driveway onto 12th Avenue shall be designed with one entering and two exiting lanes. The exiting lanes shall be marked as a left turn lane and a right turn lane and shall provide a minimum of 50 ft. of storage in each.
- The proposed driveway onto Demonbreun Street shall be an entrance only.
- On-street parking will be allowed on 12th Avenue and Laurel Street; however, this parking shall not require encroachment by parked vehicles into the existing travel way.

### Typical Uses in Existing Zoning District: CF

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	2.93	2.578	329,032	3338	487	448

### Maximum Uses in Existing Zoning District: SP

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
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General Office (710)	2.93	5	638,154	5559	827	794
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**Typical Uses in Proposed Zoning District: SP**

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	2.93	N/A	625,000*	5471	813	779

\*Assumes 50% of the building is for General Office

**Typical Uses in Existing Zoning District: SP**

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (814)	2.93	N/A	62,000*	2691	57	171

\*Assumes 5% of the building is General Retail

**Typical Uses in Proposed Zoning District: SP**

Land Use (ITE Code)	Acres	FAR	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Apartment: High Rise(222)	2.93	N/A	437*	1894	132	153

\*Assumes 35% of the square footage of the building is for residential with 1,000 square foot units

**Typical Uses in Proposed Zoning District: SP**

Land Use (ITE Code)	Acres	FAR	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Hotel(310)	2.93	N/A	125,000* (250)	2230	166	161

\*Assumes 10% of the square footage of the building is for Hotel

**METRO SCHOOL BOARD REPORT**

**Projected student generation     4 Elementary     0 Middle     4 High**

**Schools Over/Under Capacity** As this project is located in the downtown, the urban infill factor was used to calculate capacity. Students would attend Eakin Elementary School, West End Middle School or Hillsboro High School. Hillsboro High School has been identified as being over capacity by the Metro School Board. There are High Schools in adjacent clusters with capacity. This information is based upon data from the school board last updated June 2008.

**STAFF RECOMMENDATION** The proposed SP is consistent with the mixed-use policy and staff recommends approval with conditions.

**CONDITIONS**

1. Landscaping plans shall be include with the submission of a final site plan. Plans shall meet the Zoning Code requirements for CF zoning and the Downtown Streetscape Guidelines.
2. Prior to the issuance of any sign permits, signage plans shall be reviewed and approved by the MDHA Design Review Committee for compliance with the Redevelopment district standards. Signage must also be consistent with the CF standards of the Metro Zoning Code.

3. The Stormwater issues shall be addressed during construction drawing phase of the final site plan.
4. The requirements of the Public Works Department shall be met at the final site plan.
5. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CF zoning district as of the date of the applicable request or application.
6. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
7. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
8. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Approved with conditions, **(8-0-1) Consent Agenda**

**Resolution No. RS2008-246**

**"BE IT RESOLVED** by The Metropolitan Planning Commission that 2008SP-035U-09 is **APPROVED WITH CONDITIONS. (8-0-1)**

**Conditions of Approval:**

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2. Prior to the issuance of any sign permits, signage plans shall be reviewed and approved by the MDHA Design Review Committee for compliance with the Redevelopment district standards. Signage must also be consistent with the CF standards of the Metro Zoning Code.
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8. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

**The proposed SP-MU is consistent with the Downtown Community Plan's Mixed Use and Downtown Neighborhood policies which are intended for a mixture of intense commercial, retail, office and residential uses."**